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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dan Gealy, et al.

Examiner: Vikki Trinh

Application No.: 09/588,008

Art Unit: 2814

Filed: June 6, 2000

For: IMPROVED MEMORY CELL CAPACITOR
STRUCTURE AND METHOD OF
FORMATION

CORRESPONDENCE TO THE EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

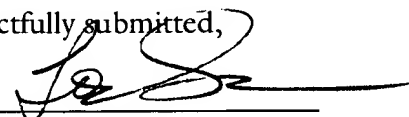
Dear Examiner Trinh:

On January 8, 2004, Applicants' undersigned representative conducted a telephonic conference in regards to the above-referenced application. In that interview, Applicants' representative discussed the Examiner's acknowledgement of the Statement of Common Ownership that was filed on October 15, 2003. Basically, that the above-referenced U.S. Patent Application No.: 09/588,008 and Agarwal et al., U.S. Patent No.: 6,297,527 B1 were, at the time the invention of U.S. Patent Application No.: 09/588,008 was made, owned by, or subject to an obligation of assignment to, Micron Technology, Inc.

Accordingly, Agarwal should not be used as a prior art reference for purposes of a 35 U.S.C. § 102(e)/103 rejection. In the final Office Action dated July 16, 2003, claim 97 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Agarwal in view of Li. In the January 8, 2004 telephone conference, the Examiner acknowledged that Agarwal cannot be used for purposes of rejecting claim 97. Thus, at least claim 97 is believed to be in condition for allowance in view of the prior art of record. In addition, the Examiner's attention is directed to the Supplemental Remarks concurrently filed herewith in regard to claims 1-31 and 98. The Examiner's approval is solicited and a Notice of Allowance thereof is respectfully requested.

Dated: January 20, 2004

Respectfully submitted,

By 

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